

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DIGITAL MEDIA SOLUTIONS, LLC,)	CASE NO. 1:19-cv-00145
)	
Plaintiff,)	JUDGE DAN AARON POLSTER
)	MAGISTRATE JUDGE THOMAS M.
v.)	PARKER
)	
SOUTH UNIVERSITY OF OHIO, LLC, <i>et al.</i> ,)	<u>MOTION TO EXCUSE IN PERSON</u>
)	<u>ATTENDANCE OF PLAINTIFF'S</u>
Defendants.)	<u>REPRESENTATIVE AT SHOW CAUSE</u>
)	<u>HEARING SCHEDULED FOR MARCH</u>
)	<u>11, 2019</u>

Pursuant to the Court's March 6, 2019 Order to Show Cause (Doc. #: 111), Plaintiff Digital Media Solutions, LLC ("DMS") moves to excuse the in-person attendance of its representative at the March 11, 2019 hearing.

Ryan Foster is the General Counsel for DMS and is the person with the most familiarity with the present matter. Mr. Foster lives and works in Clearwater, Florida meaning that travel on short notice would be significant under normal circumstances. However, Mr. Foster is scheduled to be in Arizona starting March 9, 2019 as he is attending the 2019 Arizona TCPA Compliance Summit. The conference events begin the afternoon/evening of March 11, 2019 and he is scheduled to be a panel participant during the seminar on March 12, 2019.

As the focus of the hearing will be related to the Motion to Vacate the Receivership, it is anticipated these issues will be handled primarily by counsel and/or the Receiver himself. Given the scope of the hearing, and Mr. Foster's prior engagement in Arizona, it is requested that he be permitted to attend via phone. In this regard, Mr. Foster would still be available to answer any questions that the Court may have and his telephone participation will not impair the ability of the Court to resolve the pending motions.

Accordingly, given the travel and attendant costs, combined with Mr. Foster's prior professional engagements, DMS requests that Mr. Foster be permitted to participate at the hearing, as needed, by telephone.

Respectfully submitted,

/s/ Audrey K. Bentz

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